

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-7756

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

THOMAS GEORGE MCLEAN,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. James R. Spencer, Chief District Judge. (CR-00-160)

Submitted: January 27, 2005

Decided: February 7, 2005

Before LUTTIG and DUNCAN, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Thomas George McLean, Appellant Pro Se. Laura C. Marshall, OFFICE OF THE UNITED STATES ATTORNEY, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Thomas George McLean appeals the district court's order denying as untimely his motion to dismiss indictment, Fed. R. Crim. P. (12)(b)(3). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. See United States v. McLean, No. CR-00-160 (E.D. Va. Sept. 1, 2004). We grant McLean's motion to proceed in forma pauperis and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED